

Service Date: December 31, 1991

DEPARTMENT OF PUBLIC SERVICE REGULATION  
BEFORE THE PUBLIC SERVICE COMMISSION  
OF THE STATE OF MONTANA

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IN THE MATTER of the Petition by	)	UTILITY DIVISION
Customers of Mid-Rivers Telephone	)	
Cooperative, Inc. Located Northeast	)	DOCKET NO. 91.5.23
of Shepherd, Montana (Musselshell	)	
Exchange), for Extended Area	)	ORDER NO. 5593
Service.	)	

FINAL ORDER

FINDINGS

On May 28, 1991 certain customers of Mid-Rivers Telephone Cooperative, Inc. (Mid-Rivers) located northeast of Shepherd, Montana, aka Musselshell Exchange (Complainants) filed a Complaint and Petition with the Montana Public Service Commission (Commission) requesting Extended Area Service (EAS) or some other solution to their toll charge problems, regarding toll calls to Shepherd and Billings.

Informal responses to said Complaint and Petition were submitted by U.S. West Communications (USWC) on August 12, 1991 and by Mid-Rivers on September 5, 1991. Mr. Brian Biggs submitted additional comments on September 11, 1991.

The Commission has considered the Complaint and Petition as a request for EAS consideration pursuant to Commission rules ARM 38.5.1301 through 38.5.1303.

On September 12, 1991 the Commission held a duly noticed worksession on this matter. Commissioner Mercer made a motion pursuant to ARM 38.5.1303 to declare that a community of interest exists between the Complainants and the Shepherd/Billings exchanges of USWC and to require the calculation of the appropriate EAS increment pursuant to ARM 38.5.1303(3)-(5). Said motion failed by a 1-3 vote. There have not been any filings in this docket since said date, although USWC and Mid-Rivers have indicated their willingness to further explore alternative solutions. The Commission urges further communications between the parties to arrive at a mutual acceptable solution.

#### CONCLUSIONS OF LAW

USWC is a public utility offering regulated telecommunications service in Montana. § 69-3-101, MCA. The Commission has the authority to supervise, regulate and control public utilities. § 69-3-102, MCA. Mid-Rivers is a telecommunications cooperative offering telecommunications services within the state of Montana and subject to the provisions of ARM 38.5.1303.

The Commission has the authority to proceed and make such investigation deemed appropriate upon a complaint made against any public utility. §69-3-321, MCA.

The PSC has provided adequate public notice and opportunity to be heard herein. Montana Administrative Procedure Act.

#### ORDER

IT IS HEREBY ORDERED based upon the Commission's action on September 12, 1991 that the Complaint is dismissed without prejudice and the investigation of the Petition closed.

Done and Dated this 16th day of December, 1991 by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION

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HOWARD L. ELLIS, Chairman

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DANNY OBERG, Vice Chairman

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BOB ANDERSON, Commissioner

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JOHN B. DRISCOLL, Commissioner

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WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Peck  
Commission Secretary

(SEAL)

NOTE: Any interested party may request that the Commission reconsider this decision. A motion to reconsider must be filed within ten (10) days. See ARM 38.2.4806.